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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/050,651	03/30/1998	ANWER PUTHAWALA	GR-95-P-3487	7070

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LERNER AND GREENBERG  
POST OFFICE BOX 2480  
HOLLYWOOD, FL 330222480

EXAMINER

KEITH, JACK W

ART UNIT PAPER NUMBER

3641

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/050,651

Applicant(s)

PUTHAWALA ET AL.

Examiner

Jack W. Keith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 30 March 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1 and 4-10 is/are rejected.
- 7) ☐ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 4-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Deinlein et al (4,374,083).

Referring to figure 4 of Deinlein a system for introducing hydrogen gas via high pressure pump into the primary loop of a pressurized water reactor is disclosed. While the figure in its self discloses the invention a detailed description of how and in what manner Deinlein reads on applicant's claim language follows:

- a) High pressure pumps (26-28) have suction lines associated with each;
- b) a hydrogen admission point (43') for feeding hydrogen to hp pump suction line;
- c) a hydrogen admission line (not labeled);
- d) a control device (76) having an inlet and outlet side;
- e) a pressure line connected to the hp pump (this line feeds into the primary loop);
- f) a measurement line (78) branching off from the pressure line downstream of the hp pumps;
- g) a measuring device (76 (per column 4, lines 40+ control device send signals to control valves and includes measurement analysis)) incorporated into said

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measurement line and connected to said inlet side of said control device for measuring hydrogen concentration; and

h) a control valve (45') disposed in said hydrogen admission line and connected to said outlet side of said control device.

Additionally note that the system of Deinlein further includes a mixer (not labeled in figure 4) disposed in the suction line of the hp pump and downstream of the admission point of the hydrogen gas.

Deinlein further includes a volume control tank (2) having a volume (3) and a bypass line (40) associated said volume control tank, said bypass line having a valve (41). The bypass line (40) discharging upstream of said hydrogen admission point (43') into the suction line between said volume control tank and said hp pumps.

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

### ***Allowable Subject Matter***

3. As previously indicated in a telephone conversation with applicant's representative, Ralph Locher, on 1/14/2004 claims 2 and 3 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

It appears that the novelty lies in the measurement line leading into the control volume tank or dewatering system. This statement is not intended to necessarily state the reasons why applicant's hydrogen injection system would be allowable.

***Conclusion***

4. The cited prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Keith whose telephone number is (703) 306-5752. The examiner can normally be reached on Monday-Friday 6:30-4 p.m., with First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jack W. Keith  
Examiner  
Art Unit 3641

jwk  
January 20, 2004